

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: ANDREA GENRETTE,	:	Bankruptcy Case No. 15-11738 (BLS)
	:	BAP No. 19-00041
Debtor.	:	
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ANDREA GENRETTE,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 19-1037-MN
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SANTANDER CONSUMER USA, INC.,	:	
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **14th** day of **August, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, Chief Magistrate Judge Thyngé reviewed the information contained on this Court's docket regarding an appeal of an Order from Bankruptcy Court entered June 4, 2019¹ to determine the appropriateness of mediation in this matter. This appeal was docketed on the same day as the entry of the Bankruptcy Order. The Order appealed is captioned "Order Regarding Motion of Santander Consumer USA Inc, Motion for Relief from Stay as to the 2008 Lexus RX350-V6 Vin:

¹ Although the Order was dated June 4, 2019, the presentation of and hearing on the Motion for Relief from Automatic Stay by the Movant, Santander Consumer USA Inc., occurred earlier.

2T2HK#1U38C093884. It required that the Debtor provide proof of insurance to Santander's counsel on or before May 3, 2019 and maintain insurance consistent with the Retail Installment Contract until the loan is paid in full. The Debtor was also ordered to pay \$400.00 in attorney's fees incurred by the filing of this Motion and the filing cost of \$181.00 making the total amount at \$581.00; however, payment was authorized to be made over a ten (10) month period beginning June 1 through March 1, 2020 in the monthly amount of \$58.00. The Bankruptcy Court further required that if Debtor defaults in providing insurance, notice shall be given to the Debtor by the filing of a Notice of Noncompliance. If proof of insurance is not provided, then the Stay under 11 U.S.C. § 362 is terminated on the filing of a Notice of Default Granting Relief from Stay, which permitted the creditor, its servicers, successors and/or assigns to enforce the security interest in the 2008 Lexus through repossession or replevy and sale of the vehicle, as well as other legal remedies available to the creditor under applicable State law.

WHEREAS, as a result of the above screening process, the Order addresses issues that are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties are advised they may file objections to this Recommendation pursuant to 28

U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge Mary Pat Thyng